

## IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	No. 61624-2-I
Respondent,	)	
	)	
v.	)	DIVISION ONE
	)	
	)	UNPUBLISHED OPINION
MATTHEW THOMAS HARRIS,	)	
	)	
Appellant.	)	FILED: May 26, 2009

PER CURIAM. Matthew Harris appeals the sentence imposed following his guilty pleas to second degree assault and unlawful imprisonment. He contends, and the State concedes, that a community custody condition requiring him to obtain a mental health evaluation and recommended treatment is not supported by statutorily required findings. We agree.

RCW 9.94A.505(9) allows such conditions only “if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense.” State v. Jones, 118 Wn. App. 199, 208-10, 76 P.3d 258 (2003); State v. Lopez, 142 Wn. App. 341, 353-54, 174 P.3d 1216 (2007), rev. den., 164 Wn.2d 1012 (2008). Although the defense conceded Harris’ “severe” mental health issues below and the issue was addressed in Harris’ presentence report and competency evaluation, the court did not make the requisite findings. Accordingly, we remand for the court to either enter the requisite findings or strike the challenged condition. Jones, 118 Wn. App. at 212

(remanding to strike condition or enter findings). We decline to address the State's argument that it should be given an opportunity to present additional evidence in support of the findings. It is unclear whether additional evidence will either be necessary or available. The superior court may take up this issue if and when it becomes necessary to do so.

Remanded for further proceedings.

For the court:

  
  
